IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7726 of 2003

Between:

L.Swaroopa W/o L.Venkateshwar, Aged 55 years, R/o H.No.1-12-160

Panchavati Colony, Tadbund, Bowenepally, Secunderabad-500 003.

..... PETITIONER

AND

1) The Prudential Co-operative Bank Limited, R.P.Road Branch,

8-1-381, R.P.Road, Secunderabad – 500 003.

2) L.Srikanth S/o L.Venkatesh, R/o H.No.1-12-160, Biruguda Panchavati

Colony, Sayeed Road, Tadbund, Secunderabad- 500 003.

3) Union of India, represented by Secretary, Ministry of Finance,

Vitta Mantrayala, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to

issue a writ of Mandamus, or any other writ, order or direction, in the nature of writ declaring Section 13 of the Securitisation and reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 as arbitrary, illegal and ultra virus of the Constitution of India and consequential to set aside the impugned notice dated 8-4-2003 issued by the Respondent No.1 under the said Section of the Act, and to pass such other order or orders as deemed fit and proper in the circumstances of the case.

For the Petitioner : MR.A.K.KISHORE REDDY, Advocate

For Respondent No.1 : Mr.S.Ashok Anand Kumar, Advocate

For Respondent No.2. : None

For Respondent No.3 : .Mr.T.Surya Karan Reddy, SC for R-3

The Court Made the Following **O R D E R** ::

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

17th June, 2004.

Nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1) The Secretary, Ministry of Finance , Union of India, Vitta Mantralaya,

New Delhi.

2) 2 CD copies